

Attorneys for Defendants
CNA SHORT TERM DISABILITY PLAN and
CNA FINANCIAL CORPORATION

FOR THE NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

Defendants.

**STIPULATION FOR DISMISSAL AS
TO CNA SHORT TERM DISABILITY
PLAN AND CNA FINANCIAL
CORPORATION AND PROPOSED
ORDER**

Defendant CNA Financial Corporation and Plaintiff have reached a resolution of Plaintiff's claims against CNA Financial and the CNA Short Term Disability Plan that has been separately documented. That resolution, to become effective, requires dismissal of the claims brought against CNA Financial and the CNA Short Term Disability Plan with prejudice (but without prejudice to either Plaintiff's or the remaining Defendants' position in the claims involving the Long Term Disability Plan and Hartford Life Group Insurance Company) and an absence of further litigation as to Defendant CNA Short Term Disability Plan's ERISA covered status.

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STIPULATION FOR DISMISSAL OF CNA FINANCIAL & CNA SHORT TERM DISABILITY PLAN

1 Accordingly, and pursuant to Fed. R. Civ. P. 41(a), the parties hereby stipulate as follows:

2 1. All claims brought against CNA Financial and the CNA Short Term Disability Plan
3 are hereby dismissed with prejudice with neither of those Defendants nor Plaintiff being deemed
4 to be a prevailing party for any reason and with each side to bear its own attorney fees and costs;

5 2. Plaintiff's allegations as to the ERISA covered status of the CNA Short Term
6 Disability Plan are withdrawn and shall not hereafter be litigated as an issue in this case and the
7 elimination of this issue shall not be deemed to favor either Plaintiff or the remaining Defendants
8 in the remaining claims.

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10 DATED: NOVEMBER 16, 2007

LEWIS, FEINBERG, LEE, RENAHER
& JACKSON PC

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12 By 

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Cassie Springer-Sullivan
Margaret E. Hasselman

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14 Attorneys for Plaintiff
15 DAVID CAPLAN

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17 DATED: NOVEMBER 2, 2007

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19 By 

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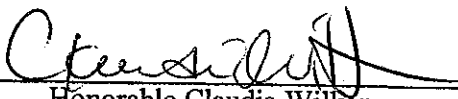
20 Attorneys for Defendants
21 CNA SHORT TERM DISABILITY PLAN
22 AND CNA FINANCIAL CORPORATION
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ORDER

Pursuant to stipulation of the parties, it is hereby ordered that all claims against Defendants CNA Financial and the CNA Short Term Disability Plan are hereby dismissed with prejudice with each side to bear their own attorneys fees and costs and that the ERISA covered status of Defendant CNA Short Term Disability Plan shall not be further litigated in this action.

DATED: 21, 2007

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA

By 
Honorable Claudia Wilken
U.S. District Court Judge